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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,408

03/17/2004

Jeffrey D. Carnevali

NPI-023

3835

7590
Charles J. Rupnick
PO Box 46752
Seattle, WA 98146

04/30/2008

EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

04/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/802,408	Applicant(s) CARNEVALI, JEFFREY D.	
	Examiner STEVEN M. MARSH	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,22-24,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20,22-24,26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the fifth office action for U.S. Application 10/802,408 for a Configurable Mounting Bracket filed by Jeffrey Carnevali on March 17, 2004. Claims 1-20, 22-24, 26, and 27 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,684,822 to Odin in view of U.S. Patent 6,631,877 B1 to Crain et al. Odin discloses a mounting bracket with a plurality (three) of permanently bendable cylindrical, solitary, uniformly continuous solid support rods (4 and 6) of a substantially fixed length, with first (6) and second (4) end portions, and a substantially uniform cross-section extended uniformly between the first and second end portions. The rods are bendable in three dimensions along a substantial part of their length between the first and second end portions. There is a means (5) for securing one or more of the second end portions of the plurality of support rods relative to an external surface in a fixed tripodal arrangement and a means (1) for fixing an external device to the clamping means. There is a means for resisting

relative slipping of one or more of the second end portions of the plurality of support rods relative to an external surface (the material the legs are manufactured from).

There is also a flexible sheath (16) substantially covering each of the plurality of permanently bendable support rods and the rods are formed of a steel material.

Odin does not specifically disclose support rods formed of aluminum or the specific diameter of the rods. However, the specific diameter (size) is a matter of design preference and it would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized a known metal such as aluminum as a matter of design preference. The rods taught by Odin are two piece rather than one-piece, but the decision to combine two pieces into a single piece is one of design preference that would be obvious to one of ordinary skill in the art.

Odin does not disclose a means for clamping the first end portions of the support rods in a fixed arrangement. Crain et al. discloses a mounting bracket with a plurality of support rods (28) and a means (64 and 70) for clamping the first end portions of the support rods in a fixed arrangement. The rods are clamped between an external collar (64) and an internal wedge (70), with a lengthwise portion of each first end portion clamped in a lengthwise cylindrical cavity (or relief groove, 72) formed between the external collar and internal wedge. The clamp taught by Crain et al. is designed for two rods, but it would be obvious to modify the collar and wedge to support three rods. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a clamping arrangement such as the one taught by Crain et

al., at the top of the mounting bracket taught by Odin, for the purpose of providing a secure means for securing the rods to a mounting arrangement.

Claims 16-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odin in view of Crain et al., and in further view of U.S. Patent 6,685,385 B1 to Ledingham. Odin in view of Crain et al. does not disclose grooves formed in the in an internal surface of the collar to complement the grooves formed in the external surface of the wedge. Ledingham discloses providing complementary grooves on opposing sides for clamping a cylindrical rod between two surfaces. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a complementary groove in the internal surface of the external collar, for the purpose of securely clamping a cylindrical rod between the collar and an internal wedge with an external groove.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Odin in view of Crain et al., in further view of U.S. Patent 6,685,385 B1 to Ledingham, and in further view of U.S. Patent 5,043,750 to Yamaguchi. Odin in view of Crain et al., and in further view of Ledingham fails to disclose one leg being a different length than the other. Yamaguchi discloses a tripod stand with two legs (21) and a permanently bendable leg (20). The permanently bendable leg is of a different length than the other legs to permit the stand to be oriented at different angles. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have made one leg of a different length than the other legs on the stand taught by Odin in view of Crain

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et al., in further view of Lawson, and in further view of Ledingham, to allow the stand to be oriented at different angles

Response to Arguments

Applicant's arguments with respect to claims 1-20, 22-24, 26, and 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/Steven M Marsh/


Primary Examiner, Art Unit 3632

Steven M. Marsh

April 28, 2008

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<div>Application Number</div> <div></div>	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/802,408	CARNEVALI, JEFFREY D.	
	Examiner	Art Unit	
	STEVEN M. MARSH	3632	